

Pioneer Press, June 30, 2005

Librarians who argue the USA Patriot Act has allowed government agents too much latitude to investigate people's reading habits say fear of trampling civil liberties has signaled a change on Capitol Hill.

But whether Congress will downsize several provisions of the Act that are due to sunset at years end remains uncertain.

Law enforcement officials claim the provisions are necessary tools for fighting terrorism.

Earlier this month the Republican-controlled House shrugged off a veto threat from President Bush and voted to strip the Patriot Act of a controversial section that allows the feds easy access to library and bookstore records in the name of national security.

The 238 to 137 vote was a strong shift from last year, when a similar measure crumbled in a tie vote.

Written by Rep. Bernie Sanders, an independent from Vermont, the measure was amended to the U.S. Justice Department's spending bill and now awaits consideration in the Senate.

"The fact that it passed this year is really indicative of a sea change in Americans' opinions about what's happening with the Patriot Act," said Bernadette Murphy, spokeswoman for the American Library Association.

Deerfield Public Library administrative librarian Jack Hicks said he and his wife, Donna, a Northbrook Public Library librarian, attended the American Library Association meeting in Chicago Saturday where the Patriot Act topic governing libraries was hot.

In his keynote address, U.S. Sen. Barack Obama, D-Illinois, told the librarians that he would work in the U.S. Senate to pass a similar provision to that passed in the House that took libraries and bookstores out of the Patriot Act.

Hicks said the librarians' strong stance on this issue stems from strongly held principles.

"I think librarians feel there is an inherent right of free speech issue here -- that anyone should be able to read anything they want, any time they want, and not have to worry about a knock at the door in the middle of the night," he said. "Isn't our level of personal freedom what makes the U.S. different from every other nation on earth?"

And many law abiding patrons may read materials that could raise eyebrows, but that does not make them terrorists, Hicks said.

"I believe that it is a serious infringement of privacy, and preposterous at best, to conclude that you can identify terrorists by looking at what people are reading," he said. "Many people want to read inflammatory or questionable materials to find out what people are thinking, to gain insight into 'the other side' of an issue, or just out of intellectual curiosity about views different from their own."

Stephan Territo, circulation director at Vernon Area Public Library, said the move by the House of Representatives is welcomed by most library professionals as they have struggled with complying with the law and protecting patrons' privacy. There were many who feel the Act infringes on privacy rights, he said.

"We don't have to worry about being intimidated by the federal government anymore," he said.

He welcomes the return of the days when law enforcement has to provide a subpoena before they can gain access to patron information.

Last week, the library association said U.S. librarians have been asked at least 268 times since the Patriot Act was approved in October 2001 to hand over information about readers to law officers.

The disclosure -- timed to coincide with discussion in Washington over the expiring sections -- came in preliminary survey results of about 1,400 public and academic libraries.

Whether those requests were made under Section 215 of the Patriot Act is unknown because any such request is accompanied by a gag order.

U.S. Attorney General Alberto Gonzalez, however, said in April that Section 215 had not been used to access library, bookstore, medical or gun sale records.

Meanwhile, despite a call from Bush not to weaken the Patriot Act, a bipartisan Congressional coalition is pushing the SAFE Act, a second initiative that would hamper law enforcement's unquestioned access to library records, among other things.

Ed Yonka, spokesman for the American Civil Liberties Union of Illinois, said the SAFE Act would fix the "most egregious problems" in the Patriot Act and was more likely to pass than Sander's amendment.

Yonka questioned the White House's adamant opposition to relinquishing a "terrorism fighting tool" that has reportedly never been used.

"Fine, let's take them at their word," Yonka said. "So the president of the United States is going to veto this bill for something that's never been used?"

Debate over whether to rewrite the Patriot Act was sure to turn into a "muscle game" on Capitol

Hill, Yonka said.

"The countervailing punch is that the administration is pushing to expand the act," he added.

U.S. Rep. Mark Kirk, R-10th, who joined 37 other Republicans in voting to do away with the library provision, said the SAFE Act was unlikely to come up for a vote.

Instead, lawmakers are awaiting compromise legislation from House Judiciary Committee Chair Jim Sensenbrenner, a Wisconsin Republican, Kirk said, adding that modifications were needed.

"In the days after Sept. 11, we moved quickly to make sure other attacks didn't happen," Kirk said. "But we put these sunset provisions in because we knew there would be calmer days."

Within a week of the 9/11 terrorist attacks, Congress received the 350-page bill which was quickly passed overwhelmingly in both chambers.

Section 215 set off alarm bells in libraries around the county, including locally.

The Cooperative Computer Service, a suburban consortium of libraries that includes branches in Northfield, Winnetka, Glencoe and Wilmette, last year adopted a unified timeline of two years for purging patrons' reading records.

"We're not eager to share that information," said Administrator Richard Shurman.

Generally, a request for a patron's records would only reveal whatever they currently had checked out, Shurman said, though he acknowledged a savvy FBI agent could unearth a two-year old transaction, if the request were made properly.

Shurman, who oversees electronic records for the 22-library consortium, said recent developments in Washington were encouraging.

"But I'll reserve my excitement," Shurman said. "I do think the Sanders Act shows that maybe the pendulum is swinging a little bit toward concern about erosion of civil rights."